

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA,

PLAINTIFF

v.

No. 2:00CR94-P

MACK ARTHUR BOWENS,

DEFENDANT

AMENDED ORDER

This matter comes before the court on the government's Memorandum and Response to Bowens's Objections to Presentence Report [255-1]. The government seeks an order requiring the defendant Bowens to elect formally whether he wishes to proceed *pro se* with his sentencing – or to proceed with appointed counsel. In the interests of fairness and clarity, the court agrees that the defendant must formally elect whether he shall proceed *pro se* or with counsel.

It is therefore **ORDERED** that:

(1) The Government's request in their Memorandum and Response to Bowens's Objections to Presentence Report [255-1] that the court enter an order requiring the defendant to elect formally whether he wishes to defend himself *pro se* or with counsel is **GRANTED**;

(2) The defendant is instructed to elect formally whether he intends to waive the right to counsel and act *pro se* or whether he intends to proceed with counsel; the deadline for making that election is *thirty days from the date of this order*,

(3) In the event the defendant elects to proceed with counsel, the court shall strike the defendant's *pro se* February 8, 2006 objections to the presentence report and his *pro se* May 10, 2006, Motion For Clarification and/or Enforcement of Resentencing Order, and the defendant shall be instructed not to contact the court in any way save through counsel; and

(4) Should the defendant choose to proceed *pro se*, however, the court shall by separate order set a hearing to ensure that the defendant's waiver of the right to counsel is knowingly, intelligently, and voluntarily given.

SO ORDERED this the 17th day of May, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE